

SENATE No. 2153

[LOCAL APPROVAL RECEIVED.]

The Commonwealth of Massachusetts

PRESENTED BY:

Marc R. Pacheco

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to the North Carver Water District.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Marc R. Pacheco	First Plymouth and Bristol
Susan Williams Gifford	2nd Plymouth

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

An Act relative to the North Carver Water District.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 1 of chapter 124 of the acts of 2008 is hereby amended by striking out the first paragraph and inserting in place thereof the following 3 paragraphs:-

"Bonds" or "bond", general obligation bonds, notes or other obligations that the town of Carver has authorized or issued to finance capital costs prior to the effective date of this act, or that the town of Carver is hereby authorized to issue to pay capital costs after said effective date, upon the request of the district by a vote of two-thirds of the members of the commission. Any such bonds or bond shall be issued for a term not to exceed 40 years, and shall otherwise be issued in accordance with the provisions of chapter 44 of the General Laws. A bond issued in accordance with this act shall be arranged so that the amounts payable over a term of years for principal and interest combined shall be as equal as practicable in the opinion of the officers authorized to issue the bonds or, in the alternative, in accordance with a schedule that provides a more rapid amortization of the principal.

Notwithstanding any general or special law to the contrary, the district may issue its bonds or a bond only if the commission, in consultation with the local appointing authority,

determines that such bonds or bond must be issued by the district to the United States Rural Development Administration or to any other similar federal or state agency to qualify for federal or state grants, loans or any other financial assistance with respect to the development of the district's facilities. A bond issued by the district shall not be included in any debt or other limitation pursuant to any general or special law. A bond issued by the district in accordance with this act and not paid by the district as it shall become due and payable shall constitute a pledge of the full faith and credit of the town of Carver and a debt of the town of Carver within the meaning of section 23 of chapter 59 of the General Laws.

A bond issued by the district pursuant to this act shall be signed by a majority of the commission, and acknowledged by the signatures of the treasurer of the town of Carver and by a majority of the selectmen of the town. A bond issued by the town of Carver to pay capital costs of the district shall be signed by such parties as shall be required for other bonds or notes of the town of Carver as required by Chapter 44 of the General Laws.

SECTION 2. Said section 1 of said chapter 124 is further hereby amended by striking out the seventh paragraph and inserting in place thereof the following paragraph:-

“District service area”, the area exclusively within the town of Carver as shown on the map of the district on file in the town clerk's office as may be amended by a majority vote of each of the commission, the local appointing authority, and the town.

SECTION 3. Section 2 of said chapter 124 is hereby amended by striking out the second paragraph and inserting in place thereof the following:-

Except as otherwise provided in this act, the powers of the commission shall be exercised

by a board of 3 members to be elected by the voters of the town of Carver for overlapping 3 year terms. Vacancies shall be filled in accordance with section 11 of chapter 41 of the General Laws, except that at the annual town election held by the town of Carver in 2009, the initial members of the commission shall be elected to 1, 2 and 3 year terms, with the candidate receiving the highest number of votes to serve for a 3 year term, the candidate with the second highest number of votes to serve for a 2 year term, and the candidate with the third highest number of votes to serve for a 1 year term. Until the initial members of the commission are elected in accordance with this section, the board of selectmen shall appoint 3 registered voters of the town as members. Two members of the commission shall constitute a quorum and the affirmative vote of 2 members shall be necessary for any action requiring a vote of the commission. Any such action shall take effect immediately unless otherwise provided and need not be published or posted.

SECTION 4. All acts taken by the commission between the passage of chapter 124 of the Acts of 2008 and the passage of this act are hereby ratified, approved and confirmed in all respects, notwithstanding the provisions of any general or special law to the contrary.

SECTION 5. This act shall take effect upon its passage.